

## EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

David Davis and Page Case No.: C 07-03365 EDL  
Gearhart-Davis PRO SE,

Plaintiff,

vs.

Defendant.

DEPOSITION OF PAGE GEARHART-DAVIS

DATE: May 5, 2008

TIME: 1:16 p.m.

LOCATION: 600 Administration Drive  
Law Library, Rm. 213 J  
Santa Rosa, California 95401

REPORTED BY: Cindy L. Boccaleoni  
Certified Shorthand Reporter  
License Number 12987

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1 A P P E A R A N C E S

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3 For the Plaintiff:

4 PAGE GEARHART-DAVIS, Pro Se

5 P.O. Box 3225  
6 Clearlake, California 95422

7 For the Defendant:

8 DALE L. ALLEN, JR., ESQ.

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1 I N D E X

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3 EXAMINATION BY: PAGE:

4 MR. ALLEN 4

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6 E X H I B I T S

7 Defendant's Exhibit:

8 None marked

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1       A. I gave them my Florida identification  
2 because when I moved to Florida I threw my  
3 California Driver's License away. I, at that  
4 point, didn't realize I was going to be moving  
5 back to California. I did give them my  
6 California -- my old California Driver's License  
7 number because I had memorized it.

8       Q. Did you have valid registration on the  
9 suburban you were driving?

10      A. No, I did not.

11      Q. And did you have valid insurance on the  
12 suburban that you were driving that night?

13      A. I don't remember if there was insurance  
14 on that vehicle. I think there was, actually.

15      Q. Okay. Your husband refused medical  
16 treatment that night; is that correct?

17      A. Yes.

18      Q. He's testified that because he was  
19 fearing for his life?

20      A. Yes.

21      Q. Do you know why he was fearing for his  
22 life?

23      A. Well, he was in the back of the  
24 ambulance and I was assuming that he -- at that  
25 point, I was assuming he was going to go to the

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1 was my honest opinion that he felt kind of  
2 surprised and thrown back by the whole situation  
3 about what was going on.

4 Q. Did he give you a ticket?

5 A. Yes, he did.

6 Q. For expired registration and obstruction  
7 of a license plate?

8 A. Yes.

9 Q. And the registration was expired; is  
10 that correct?

11 A. That is correct. It had just expired  
12 two days ago {sic.} and I had just purchased the  
13 vehicle a month ago, and since it had December  
14 tags on there and I just purchased the vehicle,  
15 I, unfortunately, did not rush down to the DMV to  
16 get it registered. I was thinking that I had  
17 like a grace period to do so.

18 Q. Were there any racial slurs made toward  
19 you that day?

20 A. No.

21 Q. Or your husband?

22 A. No.

23 Q. The next incident was an incident where  
24 Officer -- Sergeant Celli came to the house on  
25 what was purported to be a 911 phone call; is

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1 that right?

2 A. An assumed 911 phone call, yes.

3 Q. Okay. I mean, you were told that by  
4 Sergeant Celli, weren't you?

5 A. Actually, Sergeant Celli didn't speak  
6 with us. It was the other officer who was there  
7 who did. I don't remember what his name is  
8 without looking at the report stuff that you sent  
9 us.

10 Q. Did anybody make a 911 call from your  
11 house?

12 A. No.

13 Q. Did Sergeant Celli --

14 A. Sergeant Celli was hiding behind the  
15 bushes the whole time.

16 Q. He never spoke with you?

17 A. No.

18 Q. Never said any -- made any comments?

19 A. No, he -- the other officer was very,  
20 um -- explaining basically, "Hey, we received a  
21 911 call from this house. Is this, you know,  
22 Page Davis's home?" And I told him, "I'm Page  
23 Davis." And he was explaining how when a 911 one  
24 call comes through, it goes through their  
25 Lakeport dispatch, that it's then called out to

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1 them for, I guess, the 911 call hang-ups and they  
2 have to come, you know, check it out.

3 And Celli, the whole time, was hiding  
4 behind the bushes and basically ended up telling  
5 the officer, "Come on let's go, there's nothing  
6 going on here."

7 Q. And your husband took a video of this?

8 A. Yes, he did.

9 Q. The video didn't come out, though, but  
10 the audio was working; is that right?

11 A. Yes, mm-hmm.

12 Q. Okay.

13 A. Celli supposedly has audio of it, too,  
14 that we had not received.

15 Q. And has -- were any racial slurs or  
16 comments made that night?

17 A. No.

18 Q. And you also have put in your pleading  
19 that Sergeant Celli was seen driving by your  
20 house on a frequent -- on a constant basis?

21 A. Mm-hmm. Him and/or other officers.

22 Q. Can you give me an estimate in a -- you  
23 know, like if you want to use, for example, a  
24 parameter of how many times a day, or how many  
25 times a week approximately or how many times a

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1 month approximately this occurred from August to  
2 December of 2006?

3 A. Um --

4 Q. More than five, less than five a week,  
5 more than five, less than five a month?

6 A. More than five -- more than five times a  
7 week easily.

8 Q. Okay. And was it always Celli or  
9 just -- you just saw Clearlake Police Department  
10 cars go by?

11 A. Sometimes they just drove slow enough I  
12 could identify, you know, that it was Celli.  
13 Sometimes they'd just, shoom, (phonetical) you  
14 know, drive by or as soon as they realized  
15 somebody was paying -- trying to see who they  
16 were, they'd hurry and speed up. But I, you  
17 know, know the Clearlake Police cars.

18 Q. Okay. At any time did they do anything  
19 to suggest -- I mean, to focus on your house in  
20 particular? I think there's a comment about  
21 shining the lights on your house.

22 Did they shine the light on your house?

23 A. That was on the night of 911, alleged  
24 911 call.

25 Q. Other than that, when they went by your

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1 to abuse to actually physical abuse. I mean,  
2 it's -- the list is -- for such a small town,  
3 it's unbelievable.

4 Q. And since January 30th, 2007, have you  
5 had any other contact with the Clearlake Police  
6 Department?

7 A. Since -- I'm sorry, when?

8 Q. January 30th, 2007.

9 A. That's when Labbe had pulled me over,  
10 no. After that, no.

11 Q. No, January 30th, when you -- the one  
12 you had the meeting with --

13 A. The last contact that I had -- oh,  
14 sorry. Ask the question one more time.

15 Q. What was the last contact you had with  
16 the police department?

17 A. Last contact I had with the police  
18 department was when Officer Labbe had pulled me  
19 over. I mean, actual contact -- well, no. I  
20 take that back --

21 Q. Could it be the 911 call?

22 A. Yeah, the 911 call I guess would have  
23 been -- the 911 call, Labbe, and then, um,  
24 what's -- Herman (phonetical) had came out and  
25 did an actual interview at our house. And

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1 without having the dates in front of me, I don't  
2 remember when would have been the last time.

3 Q. And how has this affected you?

4 A. Um, I'm basically pretty much in fear to  
5 leave my house on the evening shift since the  
6 only time I've ever been stopped has been during  
7 the evening shift.

8 Q. Have you sought any medical care?

9 A. No.

10 Q. Has your husband sought any medical  
11 care?

12 A. Because of what happened, no.

13 Q. I mean, seen a therapist, counseling,  
14 physical -- medical care for injuries to his  
15 body, anything like that?

16 A. No.

17 Q. And you haven't either?

18 A. No. I mean, I -- I just live in fear,  
19 basically. Another thing that really disturbs me  
20 from the stuff that you sent us that shows them  
21 stating, you know, as far as us being a threat to  
22 the community, I mean, that's -- or how is it  
23 written up in there, that um... what does it say,  
24 "anti-law enforcement."

25 Q. And this is --